

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PERSONALWEB TECHNOLOGIES, LLC AND  
LEVEL 3 COMMUNICATIONS, LLC,

Civil Action No. 6:11-cv-00683 (LED)

Plaintiffs,

v.

AUTONOMY, INC., HEWLETT-PACKARD  
COMPANY, AND HP ENTERPRISE  
SERVICES, LLC,

Defendants.

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**DEFENDANTS' NOTICE REGARDING SELECTION OF A MEDIATOR**

In the Proposed Docket Control Orders filed on July 13, 2012 (Dkt. #39-1; Dkt. # 41-1), the parties stated that they would provide the name of an agreed-upon mediator by July 20, 2012, or else inform the Court that they were unable to reach agreement. Accordingly, Defendants Autonomy, Inc., Hewlett-Packard Company and HP Enterprise Services, LLC (“Defendants”) provide notice that the parties were unable to reach agreement.

On July 12, 2012, counsel for PersonalWeb sent an email to counsel for all the defendants (in Case Nos. 11-655, 11-656, 11-657, 11-658, 11-659, 11-660 and 11-683) proposing either J. Folsom (Ret.) or Hesha Abrams as mediators. The Defendants in this case will consent to mediation with Hesha Abrams.<sup>1</sup>

The Defendants’ understanding is that PersonalWeb no longer agrees to mediate with Ms. Abrams because the defendants in all seven cases did not select the same proposed mediator offered by PersonalWeb.<sup>2</sup>

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<sup>1</sup> It is Defendants understanding that the defendants in the other cases will be filing similar statements, indicating which of the two mediators they have agreed to.

<sup>2</sup> In each of the seven cases, the defendants agreed to at least one of the mediators proposed by PersonalWeb. However, after conferring, the defendants could not reach consensus on **one mediator**, and thus proposed to PersonalWeb that the parties in the seven cases jointly file a notification indicating that they would mediate with either Ms. Abrams or J. Folsom, but would confer separately with PersonalWeb to determine which mediator would be appointed for a particular defendant, and to determine a date for mediation. On July 20, 2012, PersonalWeb’s counsel rejected this proposal, indicating that PersonalWeb would not agree to any mediator – even those proposed by PersonalWeb – unless every defendant agreed upon the same mediator.

Dated: July 20, 2012

Respectfully submitted,

By: /s/ Bijal V. Vakil (with permission)  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on the 20th day of July, 2012, all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's ECF system. Local Rule CV-5(a)(3).

*/s/ Sara P. Zogg* \_\_\_\_\_

Sara P. Zogg

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on the 20th day of July, 2012, counsel for the above-named parties complied with the meet and confer requirements of Local Rule CV-7(h) via email communications, but were unable to reach agreement on a proposed mediator.

*/s/ Sara P. Zogg* \_\_\_\_\_

Sara P. Zogg